



**Roll Call Number**

**Agenda Item Number**

51A

**Date** April 18, 2022

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located 1022 Army Post Road from 'RX1' Mixed Use District to Limited 'MX3' Mixed Use District classification",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Seconded by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

  
Judy K. Parks-Kruse  
Assistant City Attorney

(ZONG2022-0000017)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

**CERTIFICATE**

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

51A

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Prepared by: Judy K. Parks-Kruse, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA  
50309 515/283-4007

Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309

Title of Document: City of Des Moines, Ordinance No. \_\_\_\_\_

Grantor/Grantee: City of Des Moines, Iowa

Legal Description: See page 1 below.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 1022 Army Post Road from 'RX1' Mixed Use District to Limited 'MX3' Mixed Use District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located at located at 1022 Army Post Road from 'RX1' Mixed Use District to Limited 'MX3' Mixed Use District classification, more fully described as follows:

Lot 7 and 8 except that part lying northerly of a line described as: Beginning at a point 19.5 feet southerly from the northwest corner of said Lot 7, on the West line thereof; thence easterly to a point 22.0 feet southerly from the northeast corner of said Lot 8 on the East line thereof, in Block 2 in RODGERS PLACE, an Official Plat, now included in and forming a part of City of Des Moines, Iowa

Section 2. That this ordinance and the zoning granted by the terms hereof are subject to

the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Use of the property shall be limited to the following:
  - a. Any use as allowed and regulated in the "RXI" Mixed Use District; and /or
  - b. A "Vehicle Maintenance/Repair, Minor" use.
  
- (2) Any use of the property for a "Vehicle Maintenance/Repair, Minor" use shall comply with the following:
  - a. No more than three (3) vehicles per bay may be stored outdoors while awaiting service/repair or pick-up.
  - b. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
  - c. Vehicles awaiting service/repair or pick-up may not occupy parking spaces required for customers and employees.
  - d. Any vehicle on the premises shall have current license tags.
  - e. Outdoor storage of junk, debris, tires, vehicle parts, or any other materials related to the business, shall be prohibited.
  - f. Any vehicle repair or service shall occur within a completely enclosed building.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

  
Judy K. Parks-Kruse  
Assistant City Attorney